

CHAPTER 469a. PRIVATE TESTING AND CERTIFICATION FACILITIES

Sec.

- 469a.1. Private testing and certification facilities generally.
- 469a.2. Registration of private testing and certification facilities.
- 469a.3. Standards and procedures for private testing and certification facilities.
- 469a.4. Responsibilities of a private testing and certification facility.
- 469a.5. Registration term and renewal.

Authority

The provisions under this Chapter 469a added under 4 Pa.C.S. §§ 1202(b)(30), 1320(b.1), 13A41(b.1), 13B02, 13C02 and 3302, unless otherwise noted.

Source

The provisions of this Chapter 469a added November 3, 2023, effective November 4, 2023, 53 Pa.B. 6846, unless otherwise noted.

Cross References

This chapter cited in 58 Pa. Code § 461a.3 (relating to testing and approval of games and gaming devices, generally).

§ 469a.1. Private testing and certification facilities generally.

(a) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers may submit products required to be tested under Chapter 461a (relating to slot machine, table game device, interactive game, sports wagering device, video game terminal, and associated equipment testing and controls) to a private testing and certification facility registered with the Board under this chapter.

(b) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers shall be responsible for any fees or costs imposed by the private testing and certification facility.

(c) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming services providers shall be responsible for all costs incurred by the Board in reviewing the report issued by the private testing and certification facility and approving the slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or any associated equipment.

(d) Slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment tested by

a private testing and certification facility shall be considered under the abbreviated certification and approval process under § 461a.4 (relating to submission for testing and approval).

§ 469a.2. Registration of private testing and certification facilities.

(a) A private testing and certification facility seeking to test slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment for use in this Commonwealth shall register with the Board.

(b) A private testing and certification facility shall do all of the following:

(1) Submit a completed Gaming Service Provider Registration Form and Private Testing and Certification Facility supplement.

(2) Submit the nonrefundable application fee posted on the Board's web site, which includes the costs of all background investigation.

(3) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(4) Submit fingerprints of the following individuals in a manner prescribed by the Bureau:

(i) Each officer and director of the private testing and certification facility. For purposes of this subparagraph, "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more or the officers and directors of an entity who have a direct ownership or beneficial interest of 20% or more in the private testing and certification facility, if not otherwise required under subparagraph (i).

(c) A person who holds any direct or indirect ownership or beneficial interest in private testing and certification facility or has the right to any profits or distributions directly or indirectly, from the private testing and certification facility may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(d) Each of the individuals required to submit fingerprints under subsections (b)(4) and (c) must be found qualified by the Board under § 437a.4 (relating to qualification of individuals and entities).

(e) A private testing and certification facility registration will not be issued until all fees and costs have been paid.

(f) The Board will maintain a list of registered private testing and certification facilities.

§ 469a.3. Standards and procedures for private testing and certification facilities.

(a) A private testing and certification facility shall meet all of the following requirements:

(1) Be independent from any manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service provider licensed by the Board.

(2) Be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement.

(3) Demonstrate it is technically competent in testing of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals, or all associated equipment in a manner acceptable to and verified by the Bureau of Gaming Laboratory Operations.

(b) A private testing and certification facility and its owners, managers, supervisory personnel and employees may not do any of the following:

(1) Have a financial interest or a controlling interest, direct or otherwise, in a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers licensed by the Board.

(2) Participate, consult or otherwise be involved in the design, development, programming or manufacture of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment.

(3) Have any other interest in or involvement with a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers that could cause the private testing and certification facility to act in a manner that is not impartial.

§ 469a.4. Responsibilities of a private testing and certification facility.

(a) A holder of a private testing and certification facility registration shall have a continuing duty to comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(b) A private testing and certification facility shall notify the Board immediately if a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or a gaming related gaming service provider licensed by the Board does any of the following:

- (1) Attempts, directly or indirectly, to influence improperly a private testing and certification facility or its owners, managers, supervisory personnel and employees, in regard to a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminals, or all associated equipment, that it, or another person or entity, has submitted for testing or certification for use in a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment.
- (2) Engages in any transaction with a private testing and certification facility that the manufacturer or gaming related gaming service provider is using, has used or intends to use to inspect or certify a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminals, or all associated equipment for use in a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment, in which the private testing and certification facility is required to participate, consult or otherwise be involved in the design, development, programming or manufacture of these items. This restriction does not limit a manufacturer or gaming related gaming service provider from engaging the private testing and certification facility to provide consulting services, provided that the services do not directly or indirectly indicate, suggest or imply how to design, develop, program or manufacture these items.
- (c) Private testing and certification facilities shall maintain copies of the results of any ISO/IEC 17025 audits or reviews and shall notify the Board in writing of the availability of the results within 15 days of when the results become available to the private testing and certification facility. These copies shall be provided to the Board upon request.
- (d) In the interest of preserving the integrity of gaming in this Commonwealth, a private testing and certification facility shall not implement or maintain any procedure or policy or take any action that would do any of the following:
 - (1) Inhibit or prevent a manufacturer or gaming related gaming service provider from submitting a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment, for testing and certification for use in any form of regulated gaming in the Commonwealth.
 - (2) Call into question or tend to erode the independence of the private testing and certification facility from any clients that use the services of the facility.
- (e) A private testing facility shall maintain a version-controlled system of testing documentation and methodologies that the facility uses to provide certification and these materials shall be made available to the Board upon request.
- (f) Testing shall be conducted in accordance with Chapters 461a, 810a, 1112a and 1407a and all technical standards, policies and industry notices that the Board may implement or issue.

(g) A private testing and certification facility shall not use, rely on or otherwise refer to any testing, results or work product performed by another private testing and certification facility for any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment that has not previously been approved in writing by the Board.

(h) A private testing and certification facility shall implement and maintain a system of peer review to monitor the quality of the testing and certification procedures performed by the facility.

(i) A private testing and certification facility shall consult with the Board prior to testing, evaluating, analyzing, certifying, verifying or rendering opinions for or on behalf of the Board relating to any new technology or concept.

(j) A private testing and certification facility shall consult the Board on any questions relating to the testing and certification of any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal, and all associated equipment.

(k) A private testing and certification facility shall keep confidential all information and data prepared or obtained as part of the testing and certification process.

(l) A private testing and certification facility shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software and other information entrusted to it as part of the testing and certification process.

(m) A private testing and certification facility shall maintain all test equipment in accordance with the manufacturer's specifications and recommendations and shall provide the Board with evidence of this upon demand.

(n) A private testing and certification facility shall retain all submission and testing-related documentation for such time as the tested item remains approved or authorized for use in this Commonwealth. The records may be maintained in electronic form. The obligation to maintain the records continues even if the private testing and certification facility ceases to be registered with the Board or otherwise ceases its business operation. The private testing and certification facility may turn the records over to the Board in electronic form as an alternative to having to maintain the records after the facility is no longer registered or after the facility ceases business operation.

(o) The Board may conduct periodically an onsite evaluation and review of each private testing and certification facility to evaluate certification results and to verify continued compliance with all registration requirements and protocols.

(p) The Board may establish a system to evaluate the continued quality of the testing and certification performed by a private testing and certification facility which would be posted on the Board's web site.

(q) A private testing and certification facility, its employees, management and owners shall remain independent of any licensed manufacturer of slot machines,

table games, table game devices, interactive games, sports wagering device, video gaming terminals and all associated equipment or gaming related gaming service provider.

(r) A private testing and certification facility employee who was employed by, or performed any work for, a manufacturer or gaming related gaming service provider licensed by the Board within 1 year prior to the person's date of employment with the private testing and certification facility may not be permitted to inspect or certify any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment for use in a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment, with which the person had any involvement whatsoever while employed by the manufacturer or gaming related gaming service provider.

(s) Failure to fully comply with any provision contained herein constitutes a violation and may result in Board-imposed administrative sanctions, up to and including revocation, against the individual or entity to whom the registration was issued.

§ 469a.5. Registration term and renewal.

(a) Private testing and certification facility registrations and renewals issued under this chapter will be valid for 5 years from the date of Board approval.

(b) Registered private testing and certification facilities shall submit to the Board a completed renewal application or form and renewal fee at least 6 months prior to the expiration of a registration.

[Next page is 471-1.]

469a-6